

*Marian F. Harrison*  
Marian F. Harrison  
US Bankruptcy Judge



Dated: 4/9/2015

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE**

IN RE: ) CASE NO. 14-05239-MH3  
RAINI CLAPPER WALKER, )  
Debtor, ) CHAPTER 13  
RAINI CLAPPER WALKER, )  
Plaintiff, ) JUDGE MARIAN F. HARRISON  
vs. )  
SELENE FINANCE LP, )  
STANWICH MORTGAGE LOAN )  
TRUST 2012-14, )  
Defendants. ) ADV. NO. 315-90054

**PRETRIAL ORDER**

At the pretrial conference held in Nashville, Tennessee, on March 25, 2015, the following counsel appeared:

Keith D. Slocum, Attorney for Plaintiff.

Edward D. Russell, Attorney for Defendant, Selene Finance LP.

**PLEADINGS**

No further pleadings will be filed in this matter except with leave of Court.

## **STATEMENT OF THE ISSUES**

1. Whether the Defendant's claim should be disallowed?
2. Whether the Defendant violated RESPA (Regulation X/Z), and if so, what is the appropriate remedy?
3. Whether the Defendant violated TILA (Regulation X/Z), and if so, what is the appropriate remedy?
4. Whether the Defendant should be held in contempt and sanctioned under 11 U.S.C. § 105?
5. Whether pursuant to 11 U.S.C. § 506(d), the perfected security interest should be declared void and the lien released?
6. Whether disallowance of the proof of Claim provides a basis for voiding the lien on the Plaintiff's property pursuant to 11 U.S.C. § 506(d)?
7. Whether the secured obligation owed by the Plaintiff is nondischargeable pursuant to 11 U.S.C. §§ 1322(b)(5) and 1328?
8. Whether the Plaintiff's challenge to the validity of the secured obligation is barred by the Plaintiffs' schedules and/or the confirmed plan, under the doctrines of waiver, estoppel, laches, issue preclusion or claim preclusion?
9. Whether the Defendant should be held in contempt and sanctioned under 11 U.S.C. § 362(k)?

## **FINAL DISPOSITION**

A motion to withdraw the reference is pending before District Court.

## **INITIAL DISCLOSURES**

Fed. R. Civ. Proc. 26 disclosures will be managed by agreement by the parties.

## **DISCOVERY**

The parties are directed to conduct discovery so that all discovery will be completed not later than ***July 8, 2015***. Discovery which would require a later due date shall be permitted only on an order of court or by filed stipulation of the parties, and only if the trial will not be delayed..

## **MOTIONS**

Dispositive motions – that is, motions under Fed. R. Bankr. P. 7012 or 7056 – shall be filed on or before ***August 10, 2015***. Responses to dispositive motions shall be filed on or before ***August 21, 2015***. Further responses to dispositive motions shall be filed on or before ***August 27, 2015***. Hearing on all dispositive motions will be held on ***September 1, 2015, at 10:00 a.m., in Courtroom Three, 2<sup>nd</sup> Floor, Customs House, 701 Broadway, Nashville, Tennessee.***

## **ALTERNATIVE DISPUTE RESOLUTION**

Mediation by an ADR neutral will be scheduled upon request by any party.

## **EFFECT OF PRETRIAL ORDER**

This action shall be resolved pursuant to the stipulations of the parties and this order and no amendments shall be made to this order except upon written motion and for good cause shown. ***Failure to comply with requirements of this order may result in dismissal of the action, default, assessment of costs including attorney's fees, or other penalties.***

IT IS SO ORDERED.

THIS ORDER WAS SIGNED AND ENTERED ELECTRONICALLY AS  
INDICATED AT THE TOP OF THE FIRST PAGE.